

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION**

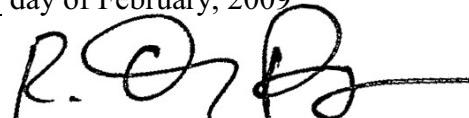
JAMES HOLMES, ]  
] [ Movant,  
] [ vs. ] [ 5:07-CV-8012-RDP-RRA  
] [ 5:04-CR-0063-RDP-RRA  
UNITED STATES OF AMERICA, ]  
] [ Respondent. ]

**MEMORANDUM OPINION**

The magistrate judge entered a report and recommendation recommending that this § 2255 motion to vacate be denied. No objections have been filed. The court has considered the entire file in this action, together with the report and recommendation, and has reached an independent conclusion that the report and recommendation is due to be adopted and approved.

Accordingly, the court hereby **ADOPTS** and **APPROVES** the findings and recommendation of the magistrate judge as the findings and conclusions of the court. The motion to vacate is due to be denied. An appropriate order will be entered.

**DONE** and **ORDERED** this 17th day of February, 2009



**R. DAVID PROCTOR**  
UNITED STATES DISTRICT JUDGE